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To: Jack Chen Fax: 703-872-9306 Phone: 571-272-1689
United States Patent and Trademark Office

From: Mark V. Secley Fax: 408-765-7723 Phone: 408-765-7382

Subject: Amendment in Application Serial No. 10/618,226

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Application No.: 10/618,226
Filing Date: July 11, 2003
First Named Inventor: Robert Chau et al.
Group Art Unite: 2813
Examiner Name: J. Chen
Attorney Docket No.: 42390.P12759

Enclosures:

1. Transmittal Form (1 page).
2. Fee Transmittal for FY 2004 (1 page in duplicate).
3. Response (4 pages).

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 10/418,220	Filing Date July 11, 2003
First Named Inventor Robert Chau et al.	Art Unit 2813
Examiner Name J. Chen	Attorney Docket Number 042380.P127605

Total Number of Pages in This Submission: 7

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.63	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appel Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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Signature of Applicant, Attorney, or Agent: Mark V. Sealey
Date: September 8, 2004

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Typed or printed name: Mark V. Sealey
Signature: *Mark V. Sealey*
Date: September 8, 2004

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FEE TRANSMITTAL for FY 2004

Effective 10/1/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$): 0.00	Application Number: 10/418,220 Filing Date: July 11, 2003 First Named Inventor: Robert Chau et al. Examiner Name: J. Chen Art Unit: 2813 Attorney Docket No.: 042380.P12759C
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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account: Intel Corporation
Account Number: 60-0221
Account Name: Intel Corporation

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☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE		2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)
1001 770	2001 385	1201 66	2201 33
1002 340	2002 170	1203 290	2203 145
1004 530	2003 265	1204 88	2204 43
1004 770	2004 385	1205 16	2205 8
1005 160	2005 80		

Fee Description: Utility filing fee, Design filing fee, Provisional filing fee, Claims in excess of 20, Independent claims in excess of 3, Multiple dependent claim, if not paid, Release independent claims over original patent, Release claims in excess of 20 and over original patent.

SUBTOTAL (1) (\$): 0.00

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 60	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 65	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1803 1,840*	1803 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 250	2253 125	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 200	2403 100	Request for oral hearing	
1451 1,610	1451 1,610	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavailability	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 930	2501 465	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 80	1807 80	Processing fee under 37 CFR 1.17(a)	
1806 180	1806 180	Submission of information Disclosure Stmt	
8021 40	8021 40	Resolving each patent assignment per property (times number of properties)	
1907 770	2907 385	Filing a submission after final rejection (37 CFR 1.126(a))	
1010 770	2010 385	For each additional invention to be examined (37 CFR 1.24(b))	
1801 770	2001 385	Request for Continued Examination (RCE)	
1002 000	1002 000	Request for expedited examination of a design application	

Other fee (specify):
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SUBTOTAL (3) (\$): 0.00

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PTO/SB/17 (10-03)

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**

(\$ 0.00)

Complete If Known

Application Number	10/618,226
Filing Date	July 11, 2003
First Named Inventor	Robert Chau et al.
Examiner Name	J. Chen
Art Unit	2813
Attorney Docket No.	042390.P12759C

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	50-0221
Deposit Account Name	Intel Corporation

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 100	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
2	-20** = 0	18	0
Independent Claims	1	-3** = 0	88
Multiple Dependent		280	0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity / Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 85	Surcharge - late filing fee or oath	
1052 60	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1012 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
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1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
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1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 400	2502 240	Design issue fee	
1503 840	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 0.00)

SUBMITTED BY

Name (Print/Type)	Mark V. Seeley	Registration No. (Attorney/Agent)	32,299	Telephone	408-765-7382
Signature		Date	September 8, 2004		

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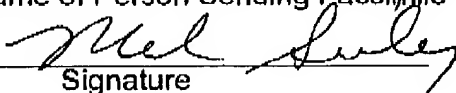
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Mark Seeley
Name of Person Sending Facsimile


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert Chau et al.

Serial No.: 10/618,226

Filed: July 11, 2003

For: A METHOD FOR MAKING
A SEMICONDUCTOR
DEVICE HAVING A
HIGH-K GATE DIELECTRIC

Examiner: J. Chen

Art Unit: 2813

Attorney Docket No: P12759C

Which is a Continuation of Application:

Serial No.: 10/082,530

Filed: February 22, 2002

Examiner: C. Lee

Art Unit: 2825

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450RESPONSE

Sir:

In the office action mailed August 24, 2004, the examiner concluded that applicants must elect a single disclosed species from the 13 listed in claim 21 (i.e., hafnium oxide, lanthanum oxide, zirconium oxide, zirconium silicon oxide, titanium oxide, tantalum oxide, barium strontium titanium oxide, barium titanium oxide, strontium titanium oxide, yttrium oxide, aluminum oxide, lead scandium tantalum oxide, and lead zinc niobate). Applicants admit that these 13 disclosed species are not patentably distinct. Given that admission, applicants respectfully request the examiner to withdraw the restriction requirement.

If, despite this admission, the examiner continues to maintain the restriction requirement, applicants elect hafnium oxide as the single disclosed

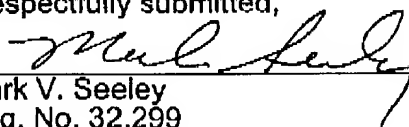
- 1 -

LJV/cak (10/01/07)

species to be examined along with the invention of claim 21. This election is accompanied by a complete listing of all claims in the application.

Dated: September 8, 2004

Respectfully submitted,


Mark V. Seeley
Reg. No. 32,299

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